MONTANA LEGISLATIVE HISTORY

Chapter 364 19 97

Bill H 58 S _____ Original bill & history ✓ C

H. Committee on Bus. + Labor

Hearing Date(s) 1/9 ✓ C

Exec. Action 1/9 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Bus. + Ind.

Hearing Date(s) 1/30 ✓ C

Exec. Action 2/5 ✓ C

_____ C

_____ C

Did this bill originate in an interim committee? ___ Yes ✓ No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

	TRANSMITTED TO SENATE		
1/14	FIRST READING		
1/14	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/20	HEARING		
1/21	COMMITTEE REPORT—BILL CONCURRED		
1/22	2ND READING CONCURRED	50	0
1/23	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
1/25	SIGNED BY SPEAKER		
1/27	SIGNED BY PRESIDENT		
1/28	TRANSMITTED TO GOVERNOR		
1/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 4		
	EFFECTIVE DATE: 07/01/97		

HB 58 INTRODUCED BY EWER *LC0398 DRAFTER: MALY*

ELIMINATE THE LICENSING AND PERMITTING OF POSTSECONDARY EDUCATIONAL INSTITUTIONS BY THE DEPARTMENT OF COMMERCE

BY REQUEST OF DEPARTMENT OF COMMERCE

12/17	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO BUSINESS & LABOR		
1/09	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	86	13
1/11	3RD READING PASSED	90	9
	TRANSMITTED TO SENATE		
1/13	FIRST READING		
1/13	REFERRED TO BUSINESS & INDUSTRY		
1/30	HEARING		
2/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
2/25	2ND READING CONCURRED	28	22
2/26	3RD READING CONCURRED	28	21
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	91	9
4/11	3RD READING CONCURRED AS AMENDED	90	6
4/15	SIGNED BY SPEAKER		
4/15	SIGNED BY PRESIDENT		
4/17	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 364		
	EFFECTIVE DATE: 10/01/97		

HB 59 INTRODUCED BY R. JOHNSON, ET AL. *LC0592 DRAFTER: EVERTS*

SET UNIFORM STATE AMBIENT SULFUR DIOXIDE STANDARDS

12/17	INTRODUCED		
12/26	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO NATURAL RESOURCES		
1/13	HEARING		
1/13	FISCAL NOTE RECEIVED		
1/14	FISCAL NOTE PRINTED		
1/15	FISCAL NOTE PRINTED		
1/21	COMMITTEE REPORT—BILL PASSED		
1/23	2ND READING PASSED	99	0
1/24	3RD READING PASSED	98	0

HOUSE BILL NO. 58

INTRODUCED BY EWER

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE LICENSING AND PERMITTING OF POSTSECONDARY EDUCATIONAL INSTITUTIONS BY THE DEPARTMENT OF COMMERCE; AMENDING SECTION 2-6-109, MCA; AND REPEALING SECTIONS 20-30-101, 20-30-102, 20-30-103, 20-30-104, 20-30-105, 20-30-201, 20-30-202, 20-30-203, 20-30-301, 20-30-302, 20-30-303, 20-30-304, 20-30-305, 20-30-306, 20-30-401, 20-30-402, 20-30-403, 20-30-404, AND 20-30-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-6-109, MCA, is amended to read:

"**2-6-109. Prohibition on distribution or sale of mailing lists -- exceptions -- penalty.** (1) Except as provided in subsections (3) through (8), in order to protect the privacy of those who deal with state and local government:

(a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) Except as provided in 30-9-403, this section does not prevent an individual from compiling a mailing list by examination of original documents or applications that are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, to lists of the names of employees governed by Title 39, chapter 31, or to lists of persons holding driver's licenses provided for under 61-5-126.

(5) This section does not prevent an agency from providing a list to persons ~~providing preliconsing or continuing educational courses subject to Title 20, chapter 30, or specifically exempted from that~~

~~chapter as provided in 20-30-102, or~~ subject to Title 33, chapter 17.

(6) This section does not apply to the right of access either by Montana law enforcement a or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(7) This section does not apply to a corporate information list developed by the secretary containing the name, address, registered agent, officers, and directors of business, nonprofit, rel professional, and close corporations authorized to do business in this state.

(8) This section does not apply to the use by the public employees' retirement board of a r list of board-administered retirement system participants to send materials on behalf of a third part tax-exempt status under section 501(c)(3) of the Internal Revenue Code, as amended, for a fee deter by rules of the board, provided that the mailing list is not released to the third party.

(9) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."

NEW SECTION. **Section 2. Repealer.** Sections 20-30-101, 20-30-102, 20-30-103, 20-30 20-30-105, 20-30-201, 20-30-202, 20-30-203, 20-30-301, 20-30-302, 20-30-303, 20-30- 20-30-305, 20-30-306, 20-30-401, 20-30-402, 20-30-403, 20-30-404, and 20-30-405, MCA repealed.

-END-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By, **CHAIRMAN BRUCE SIMON**, on January 9, 1997, at 8:00 AM, in Room 104.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Paul Sliter, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Charles R. Devaney (R)
Rep. David Ewer (D)
Rep. Kim Gillan (D)
Rep. Billie Krenzler (D)
Rep. Bob Lawson (R)
Rep. Rod Marshall (R)
Rep. Gay Ann Masolo (R)
Rep. Wes Prouse (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Cliff Trexler (R)
Rep. Joe Tropila (D)
Rep. Carley Tuss (D)

Members Excused: None

Members Absent: None

Staff Present: Stephen Maly, Legislative Services Division
Pati O'Reilly, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 58, HB 35, HB 16 (1/4/97)
Executive Action: HB 35; HB 58

HEARING ON HB 35

Opening Statement by Sponsor: **REP. ROGER DeBRUCKER**, H.D. [illegible] introduced the bill.
{Tape: 1; Side: 1; Approx. Time Count: 5.7; Comments:

Proponents' Testimony: **Peter Blouke, Director, Dept. [illegible]**

{Tape: 1; Side: 1; Approx. Time Count: 7.0; Comments: None.}

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
{Tape: 1; Side: 1; Approx. Time Count: 9.2; Comments: None.}

Closing by Sponsor:**REP. DEBRUCKER** closed the bill.
{Tape: 1; Side: 1; Approx. Time Count: 12.0; Comments:None.}

HEARING ON HB 58

Opening Statement by Sponsor: **REP. DAVID EWER,** H.D. 53, introduced the bill.
{Tape:1; Side: 2; Approx. Time Count: .5; Comments: None.}

Proponents' Testimony: **Peter Blouke, Director, Dept. of Commerce.**
{Tape: 1; Side: 2; Approx. Time Count: 5.2; Comments: None.}

Larry Schramm, Office of Commissioner of Education.
{Tape: 1; Side: 2; Approx. Time Count: 7.7; Comments: None.}

Opponents' Testimony: None.

Informational Testimony:None.

Questions From Committee Members and Responses:
{Tape: 2; Side: 1; Approx. Time Count: .0; Comments: None.}

Closing by Sponsor: **REP. EWER** closed on the bill.
{Tape: 2; Side: 1; Approx. Time Count: 11.0; Comments: None.}

HEARING ON HB 16

Opening Statement by Sponsor:**REP. BOB PAVLOVICH,** H.D. 37 introduced the bill and added amendment.
{Tape: 2; Side: 1; Approx. Time Count: 11.9; Comments: None.}

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:
{Tape: 2; Side: 1; Approx. Time Count: 16.6; Comments: None.}

Closing by Sponsor: **REP. PAVLOVICH** closed.
{Tape: 2; Side: 2; Approx. Time Count: 6.6; Comments: None.}

EXECUTIVE ACTION ON HB 35

Motion: **REP. PAVLOVICH MOVED HB 35 DO PASS.** Motion carried unanimously.
{Tape: 3; Side: 1; Approx. Time Count: 2.2; Comments: None.}

EXECUTIVE ACTION ON HB 58

Amendments: **REP. EWER MOVED HB 58 DO PASS.**
{Tape: 3; Side: 1; Approx. Time Count: 2.4; Comments: None.}

Discussion: *{Tape: 3; Side: 1; Approx. Time Count: 3.4; Comments: None.}*

Vote: Motion passed 19-0.
{Tape: 3; Side: 1; Approx. Time Count: 20.7; Comments: None.}

EXECUTIVE ACTION ON HB 16

Motion: **REP. PAVLOVICH MOVES TO ADOPT PAVLOVICH AMENDMENT.**
{Tape: 3; Side: 1; Approx. Time Count: 20.8; Comments: None.}

Discussion:
{Tape: 3; Side: 1; Approx. Time Count: 21.0; Comments: None.}

Motion/Vote: Motion passed 19-0.
{Tape: 3; Side: 1; Approx. Time Count: 22.8; Comments: None.}

Motion/Vote: REP. PAVLOVICH MOVED HB 16 DO PASS AS AMENDED.
{Tape: 3; Side: 1; Approx. Time Count: 23.8; Comments: None.}

Vote: Motion passed 19-0.
{Tape: 3; Side: 1; Approx. Time Count: 24/5; Comments: None.}

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on January 30, 1997, at 9:00 A.M., in ROOM 410

ROLL CALL

Members Present:
Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Bea McCarthy (D)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 35; HB 58; 1/20/97
Executive Action: HB 35; SB 148; SB 78

{Tape: 1; Side: A; Approx. Time Count: 9:04 AM; Comments: N/A.}

HEARING ON HB 35

Sponsor: **REP. ROGER DEBRUYCKER, HD 89, FLOWEREE**

Proponents: **Peter Blouke, Director, Department of Commerce**
Don Chance, MT Building Industry Assoc.
Jim Manning, Legislative Audit Division

Opponents: **None**

Opening Statement by Sponsor:

REP. ROGER DEBRUYCKER, HD 89, FLOWEREE. HB 35 was brought to me by the Department of Commerce. It eliminates 11 statutes in our

laws pertaining to paint labeling and coal invoices which have not been used since the late 40's and early 50's. The federal government has taken over. With that, I will let the Department speak.

Proponents' Testimony:

Peter Blouke, Director, Department of Commerce. This is a housekeeping bill. It deals with issues that we have not been involved in for the last 15-20 years. We urge your support of this bill.

Don Chance, MT Building Industry Assoc. We have three or four major paint manufacturers in our association. We were not even aware that the paint labeling provisions were in statute because we have been operating under federal regulations for so many years. We are in support of HB 35.

Jim Manning, Audit Manager, Legislative Audit Division. As the director said, we noted in our financial compliance audit two years ending June 30, 1995, the Dept. was not enforcing or monitoring these laws and there did not appear to be any necessary need for these laws. We support this bill.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. DEBRUYCKER closed. I hope you find favorably on this bill. I will need someone to carry this to the Senate. **SEN. STEVE BENEDICT** offered to carry HB 35 to the Senate.

EXECUTIVE ACTION ON HB 35

Motion/Vote: **SEN. STEVE BENEDICT MOVED DO CONCUR ON HB 35.**

Vote: **The motion DO CONCUR on HB 35 CARRIED UNANIMOUSLY.**

{Tape: 1; Side: A; Approx. Time Count: 9:10 AM; Comments: AN 8 MINUTE BREAK WAS TAKEN. THEN EXECUTIVE ACTION WAS STARTED AT 9:18 AM BUT CAME TO NO ACTION; THEREFORE THE NEXT HEARING STARTED AT 9:40 AM.}

HEARING ON HB 58

Sponsor: **REP. DAVID EWER, HD 53, HELENA**

Proponents: **Peter Blouke, Director, Department of Commerce**
LeRoy Schramm, Legal Council, Commissioner of Higher Education
Frank Cote, Deputy Insurance Commissioner

Opponents: **None**

Opening Statement by Sponsor:

REP. DAVID EWER, HD 53, HELENA. I do bring before you HB 58 by the request of the Department of Commerce. It is a repealer. It is a bill similar in format to a bill brought to the House in the last session which did not pass, but this time it passed very easily. This bill would eliminate the state's role in licensing and overview in post secondary schools such as About Travel, Alamon Telephone Training Center, Asten Center of Natural Therapeutics, Big Sky Guide and Outfitters, etc. The current law expects the state to maintain minimum standards for these schools and other requirements. In reality, the Dept. is not doing any of this. The reason we are not doing any of this is because there is no funding, no staff, etc. We do accept the schools checks and the Dept. still maintains the transcripts. I believe we either need to fund it or get out of it. This is the time to take action one way or the other.

Proponents' Testimony:

Peter Blouke, Director, Department of Commerce. **REP. EWER** has given a good description of what this bill does. We feel the concept is good but we do not have the staff and there may be a liability that the state is assuming if this legislation is on the books saying the Dept. will do the accrediting and if something happens we may have a liability. I would also add that there is an alternative. There is a number of national trade associations that do accredit many of these schools and perhaps that is an alternative. If it is the Legislatures desire that this function be continued, then it should be continued at OPI or through the Commissioner's office. The Dept. of Commerce is not the appropriate agency to handle this issue.

LeRoy Schramm, Legal Counsel for Commissioner of Higher Education. We rise in support of this bill. We think it is the lesser of evil to not have the regulations on the books than to have them and not doing anything about them. This way is more honest and straight forward. It does remove some potential liability from the state. We do get sued periodically by students who feel we have not been doing what we said we were going to do. We urge your support.

Frank Cote, Deputy Insurance Commissioner. I rise not necessarily as a proponent but come forward with a technical amendment **(EXHIBIT 1)** which **REP. EWER** will produce in his closing. When the bill was drafted, the intent was clear to make sure that the insurance continuing education aspect of this bill would be in place because they left on page 2, first sentence, "subject to Title 33, chapter 17." which is in the insurance code. Unfortunately they scratched out the words "providing prelicensing or continuing educational courses" and effectively

what that did was that if we now wanted to provide a list of insurance agents, we can't provide them to the providers of continuing education courses, we would only be able to provide them to other insurance agents. That is something we need to fix because the idea was for our department to provide a list of agents to the continuing education providers so that they can notify the agents of the courses that would be available. I also have some letters **(EXHIBITS 2A, 2B, 2C)** from members of our continuing education advisory council urging that amendment.

{Tape: 1; Side: A; Approx. Time Count: 9:51 AM; Comments: N/A.}

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. BEA MCCARTHY asked if, in the list of schools that had been discussed, these schools would be licensed but not regulated? **REP. EWER** replied that the license would no longer be required and they would not be regulated. **Ms. Annie Bartos, Chief Counsel, Department of Commerce** responded that the previous answer was correct--there will be no licensure of the schools. The schools will be able to continue to operate but with no state oversight or regulation.

SEN. MCCARTHY stated that there is an outfitter and guide school, but there is the Connole Morton School which provides college credit for their real estate courses and if the state has no control over them, what will happen? **Ms. Bartos** said that the state would have no control over the program. If the school wanted to offer any course or curriculum they would have the opportunity to do that. There is the opportunity that the schools may be accredited through a national accrediting association and there are about 4 or 5 different accrediting associations.

SEN. STEVE BENEDICT asked that in a nut shell with no further licensing and no control they cannot say they are licensed by the State of Montana and use that as a way to give their business some credibility. But as far as **SEN. MCCARTHY'S** question goes, he would see that as something between the university system and the school. The university system could refuse to accredit them as far as education credits to be used at universities. **Ms. Bartos** said that was correct. There is an exemption that currently exists under the law. **(The next sentence was garbled on the tape.)**

SEN. DEBBIE SHEA said that the repealer repealing sections 20-30-105, the preservation of records, is of great concern. Is no one going to take care of these records for the students as far as transfer of credits, etc.? **Ms. Bartos** stated that if this law is repealed it would also repeal the provision that the Dept. of Commerce had the duty to preserve the records. But the Dept. has made a commitment to continue to maintain those records from

those schools that are closed up until the law states otherwise. It would be incumbent upon the student to obtain the records when they graduate from the program or leave the school if this bill is passed into law.

CHAIRMAN JOHN HERTEL asked if this were turned over to the national level, how would this work? **REP. EWER** stated that this would not be the most satisfactory. Accreditation people are just as shrewd as any other business people and what they say is we will not accredit you until you have been in business two years, but then you cannot get a license until you are accredited and you can't get accredited until you have been in business two years. **CHAIRMAN HERTEL** then asked that if we did want to move to the national level, who would be in authority to cause that particular action to take place. **REP. EWER** stated that there is not an accrediting agency for the entire universe. It may be true for the travel agency business, but we have a number of businesses. He had no idea that there will indeed be a national accrediting agency for any post secondary proprietary school that wants to open up shop. He would ask for a comment from **Ms. Bartos. Ms. Bartos** replied that there are four schools that are accredited presently by a national accrediting agency in addition to being licensed by the State of Montana.

Closing by Sponsor:

REP. EWER closes. This is not an easy issue. I like this bill because it challenges us to make some tough decisions. If nothing else we must repeal the law or we must support the law and maintain the law. I will hand out a statistical report on proprietary schools **(EXHIBIT 3)**. I do support the amendment **(EXHIBIT 1)**. Thank you.

{Tape: 1; Side: B; Approx. Time Count: 10:02 AM; Comments: 16 MINUTE BREAK}

EXECUTIVE ACTION ON SB 148

{Tape: 1; Side: B; Approx. Time Count: 10:18 AM;; Comments: N/A.}

Motion: **SEN. WILLIAM CRISMORE MOVED DO PASS ON SB 148.**

Amendment Motion: **SEN. STEVE BENEDICT MOVED DO PASS ON AMENDMENT (EXHIBIT 4).**

Discussion: **Mr. Bart Campbell** explained that all the amendments had been merged and the final form is in **(EXHIBIT 4)**.

Amendment Vote : **The motion DO PASS on AMENDMENT CARRIED UNANIMOUSLY.**

Motion/Vote: **SEN. DEBBIE SHEA MOVED DO PASS AS AMENDED SB 148. The motion CARRIED UNANIMOUSLY.**

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 5, 1997, at 9:00 A.M., in ROOM 410

ROLL CALL

Members Present:
Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Bea McCarthy (D)

Members Excused: None

Members Absent: None

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB 56; HB 117; HB 131; 1/24/97
Executive Action: HB 56; HB 58; SB 193
SB 74, SB 136 & SB 147 TABLED
SB 169 & SB 150 TABLED

HEARING ON HB 56

Sponsor: **REP. ROYAL JOHNSON, HD 10, BILLINGS**

Proponents: **Bruce Brensdal, MT Board of Housing**
Charles Rehbein, Governor's Advisory Council on Aging

Opponents: **None**

Opening Statement by Sponsor:

REP. ROYAL JOHNSON, HD 10, BILLINGS. HB 56 will allow a number of people to do a reverse mortgage. The Board of Housing has been doing reverse mortgages for a number of years. We do have a

Amendments: SEN. BENEDICT introduced amendments (EXHIBIT 9). SEN. BENEDICT moved to AMEND SB 147. The motion to AMEND SB 147 CARRIED UNANIMOUSLY.

Motion: SEN. BENEDICT MOVED DO PASS AS AMENDED SB 147.

Motion: SEN. BEA MCCARTHY MOVED TO TABLE SB 147. The motion to TABLE SB 147 CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 58

Motion: SEN. BEA MCCARTHY MOVED BE CONCURRED IN HB 58

Discussion: SEN. MCCARTHY stated that she had discussed this bill with Annie Bartos and felt that with the passing of this bill it would open up Montana to schools of all kinds with no oversight and felt that this would be poor policy for the state. SEN. STEVE BENEDICT agreed to a point, but why have laws on the books if we cannot enforce them and felt that there should be fewer laws controlling the people of Montana. SEN. WILLIAM CRISMORE asked if the Department could come back and ask for money and build a bureaucracy around it.

Amendments: SEN. BENEDICT offered amendments (EXHIBIT 10). SEN. BENEDICT moved to AMEND HB 58. The motion to amend HB 58 CARRIED UNANIMOUSLY.

Motion: SEN. MCCARTHY MOVED TO TABLE HB 58 AS AMENDED. The motion to TABLE HB 58 FAILED with SENATORS HERTEL, CRISMORE, BENEDICT AND EMERSON voting NO.

Motion/Vote: SEN. BENEDICT MOVED HB 58 BE CONCURRED IN AS AMENDED. The motion CARRIED with SENATORS MCCARTHY and SHEA voting NO.

EXECUTIVE ACTION ON SB 169

Amendments: SEN. STEVE BENEDICT offered amendments (EXHIBIT 11) SEN. BENEDICT moved to AMEND SB 169. The motion CARRIED UNANIMOUSLY.

Motion: SEN. BENEDICT MOVED DO PASS ON SB 169.

Motion: SEN. BEA MCCARTHY MOVED TO TABLE SB 169. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 150

Motion: SEN. STEVE BENEDICT MOVED DO PASS SB 150.

(b) an agent, as described in 44-2-111;

(c) a person authorized by the department of transportation or the department of justice to conduct an inspection pursuant to 61-9-501;

(d) a person whose primary work function is to supervise or otherwise guard persons incarcerated in a component of the department of corrections described in 53-1-202(2); or

(e) a person in an occupation identified by the department that is similar to those in subsections (2)(a) through (2)(d).

Section 2. Report to legislature. By November 1, 1998, the department of administration shall submit to the 56th legislature a report on the results of the study conducted pursuant to [section 1]. The report may contain proposed legislation to implement the pay schedule developed pursuant to [section 1].

Section 3. Effective date. [This act] is effective July 1, 1997.

Approved April 22, 1997

CHAPTER NO. 364

[HB 58]

AN ACT ELIMINATING THE LICENSING AND PERMITTING OF POSTSECONDARY EDUCATIONAL INSTITUTIONS BY THE DEPARTMENT OF COMMERCE; AMENDING SECTION 2-6-109, MCA; AND REPEALING SECTIONS 20-30-101, 20-30-102, 20-30-103, 20-30-104, 20-30-105, 20-30-201, 20-30-202, 20-30-203, 20-30-301, 20-30-302, 20-30-303, 20-30-304, 20-30-305, 20-30-306, 20-30-401, 20-30-402, 20-30-403, 20-30-404, AND 20-30-405, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-6-109, MCA, is amended to read:

"2-6-109. Prohibition on distribution or sale of mailing lists — exceptions — penalty. (1) Except as provided in subsections (3) through (8), in order to protect the privacy of those who deal with state and local government:

(a) an agency may not distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and

(b) a list of persons prepared by the agency may not be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state or a local government.

(3) Except as provided in 30-9-403, this section does not prevent an individual from compiling a mailing list by examination of original documents or applications that are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, to lists of the names of employees governed by Title 39, chapter 31, or to lists of persons holding driver's licenses provided for under 61-5-126.

(5) This section does not prevent an agency from providing a list to persons ~~providing prelicensing or continuing educational courses subject to Title 20, chapter 30, or specifically exempted from that chapter as provided in 20-30-102, or~~ *providing prelicensing or continuing education courses subject to state law or* subject to Title 33, chapter 17.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase or otherwise, of public records dealing with motor vehicle registration.

(7) This section does not apply to a corporate information list developed by the secretary of state containing the name, address, registered agent, officers, and directors of business, nonprofit, religious, professional, and close corporations authorized to do business in this state.

(8) This section does not apply to the use by the public employees' retirement board of a mailing list of board-administered retirement system participants to send materials on behalf of a third party with tax-exempt status under section 501(c)(3) of the Internal Revenue Code, as amended, for a fee determined by rules of the board, provided that the mailing list is not released to the third party.

(9) A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor."

Section 2. Repealer. Sections 20-30-101, 20-30-102, 20-30-103, 20-30-104, 20-30-105, 20-30-201, 20-30-202, 20-30-203, 20-30-301, 20-30-302, 20-30-303, 20-30-304, 20-30-305, 20-30-306, 20-30-401, 20-30-402, 20-30-403, 20-30-404, and 20-30-405, MCA, are repealed.

Approved April 23, 1997

CHAPTER NO. 365

[HB 238]

AN ACT GENERALLY REVISING THE LAWS RELATING TO CREDIT UNIONS; CONFORMING DIVIDEND PAYMENT PROVISIONS TO FEDERAL LAW; INCREASING THE TRIGGER AMOUNT FOR REPORTING TO THE BOARD LOANS TO OFFICIALS; REVISING CAPITAL ACCOUNTS AND CAPITAL RESERVE REQUIREMENTS FOR CORPORATE CREDIT UNIONS TO CONFORM WITH FEDERAL REGULATIONS; ALLOWING CREDIT UNIONS TO HOLD FUNERAL PLAN TRUSTS; DEFINING AND AUTHORIZING WITH RESTRICTIONS "PAID-IN CAPITAL"; AND AMENDING SECTIONS 32-3-502, 32-3-608, 32-3-803, 32-3-804, 32-3-805, 32-3-807, 72-37-102, AND 72-37-103, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 32-3-502, MCA, is amended to read: